

CHAPTER 112
FORMERLY
HOUSE BILL NO. 135

AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 2014, Title 15 of the Delaware Code as follows:

§ 2014. Notification of disposition of a person's voter registration application and procedure for handling returned mail.

(a) The Department following receipt of a voter registration application for a person who is not registered to vote shall, upon determination that the applicant is eligible to register to vote, register that person to vote.

(b) The Department shall promptly notify in writing each person whose voter registration application has been rejected and shall state in such notice the specific reason or reasons for such rejection.

(c) Upon registering a person to vote or completing a transfer of address, change of name and/or change of political party affiliation for a registered voter, the Department shall mail a notice informing the registrant of that registrant's polling place by nonforwardable first class mail. If this notice or any correspondence sent by a state agency or state official using voter registration address data is returned as undeliverable, the Department shall send an address verification request by forwardable first-class mail to the person at the address on their permanent registration record or to the address indicated by the U.S. Postal Service on the returned undeliverable notice or correspondence. The address verification request shall include a postage-paid preaddressed return card. The person shall be asked to sign the return card and:

(1) Authorize cancellation of their Delaware voter registration because they are no longer permanent residents of the State;

(2) Provide the address of their permanent place of residence if they still reside within Delaware; or

(3) Certify that the address at which they are currently registered to vote is their correct address and place of permanent residence.

(d) The Department, upon receipt of the return card in accordance with the response shall:

(1) Remove the voter from the records of the State Election Commissioner and the Department if the voter is no longer a permanent resident of the State;

(2) Update the person's voter registration record with the new address if it is within the Department's jurisdiction; or

(3) [Repealed.]

(4) Update the person's voter registration record showing that the person has certified that the address on the permanent voter registration record is their permanent place of residence.

(e) If the person does not return the return card within 60 days of mailing or if the address verification request is returned as undeliverable, the person shall be transferred to "inactive status."

(f) Persons classified as "inactive" shall remain eligible to vote in any election conducted in accordance with this title. Upon presenting themselves at their polling place they shall affirm in writing under penalty of perjury on the form promulgated by the State Election Commissioner the address of their permanent place of residence. If the person's permanent place of residence is different than the permanent place of residence shown on the voter's permanent record, the person shall be permitted to vote in accordance with § 2047 of this title.

(g) A person properly removed from the voting rolls in accordance with this chapter must reregister in order to vote in any election conducted in accordance with this title. A person removed in error through the process described in this chapter, however, may be restored to the voting rolls upon the concurrence of the county director and deputy county director of the Department in the county in which such person resides.

(h) On or before June 1 of each year following a general election, the State Election Commissioner shall remove from the voting rolls any person who has been in "inactive status" for 2 consecutive general elections.

Approved August 2, 2017